

## REMARKS

Receipt of the Office Action of August 9, 2005 is gratefully acknowledged.

The drawings are objected to because "...the different shapes must be shown..."

The different shapes are shown. Please refer to Fig.4, for example. Note the rectangular shapes on the outer circle. The dimensions of the dimension b is not uniform as one traverses the circle. This illustration should be sufficient to satisfy the provisions of 37 CFR 1.83(a).

The specification is objected to because "[t]he Examiner has searched the disclosure and cannot find a positive recitation of different shapes associated with the instant invention." On page 3 of the specification there appears the following statement on line 3, "...cutouts which at least partially have different dimensions and/or shapes." Then on line 9 of page 3 there appears the statement: "...the cutout now have variable dimensions." On page 7, in line 2, there appears the statement: "...dimensions...differ from one another with regard to their width b and length a." This disclosure alone should be sufficient to satisfy the requirements of 37 CFR 1.75(d)(1).

The above discussion also applies to the objection of claims 1 - 12 as set forth in enumerated paragraph 3 on page 3 of the noted Office Action.

The rejection of claim 12 as indefinite under 35 USC 112, second paragraph is noted. In reply thereto, claim 12 has been amended to change "dimensions" to "lengths and widths" to conform claim 12 to the amended claim 1. Claims 1, 2 and 3 have been further amended formally only to correct the grammatical content of these claims

The rejection of claims 1 - 10 and 12 as unpatentable under 35 USC 103(a) over Locke in view of Muller et al is respectfully traversed.

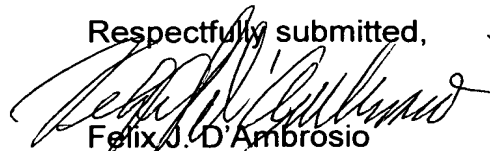
Both of these references have been previously discussed. The examiner is referred to these discussions. The important feature of the invention is the cutouts of different lengths, widths and shapes. The examiner is taking the position now that this feature amounts to a "design choice." Such a conclusion is baseless and not supported by any disclosure in any of the references cited. If this feature is routine, the examiner should be able to cite some reference that suggests the relationship between dimensions and shape and frequency for an antenna with the dielectric layer of the present invention. See, *In re Gorman*, 18 USPQ2d 1885 (Fed. Cir. 1991).

Finally, the finality of the rejection is also traversed.

Applicant has consistently claimed the feature noted above, whether as a "dimension" or as "length and width." They are really equivalent. This feature has been distinguished over each of the references now applied, but not when both were combined as they now are. Certainly, the combination of references proposed by the examiner in this Office Action could have been made earlier, but it was not, and, it is respectfully submitted, it could not be because "dimensions" was changed to "length and width." Applicant should have an opportunity to address the issue proposed by the examiner regarding this combination of references as of right.

Accordingly, the examiner is urged to consider the amendments made above, as they are formal only, to consider the discussions made previously regarding these references, and to consider the discussion above leading to the allowance of claims 1 - 10 and 12.

Respectfully submitted,



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Reg. No. 25,721

November 9, 2005